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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,375	09/25/2001	Tsunayuki Owa	214182US6	5959

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/961,375	OWA, TSUNAYUKI	
	Examiner	Art Unit	
	Joseph A. Fischetti	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-31 is/are pending in the application.
- 4a) Of the above claim(s) 9-24,27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,25,26,31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 25, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Groot in view of Leahy et al. and Kawamura et al.

De Groot discloses community service offering apparatus (10) for exchanging information with a plurality of user terminals connected by a network, the apparatus comprising virtual space information storing means for storing advance information about a plurality of virtual spaces (see col. 3 space modules read as the storage means); host means col. 5 lines 29-32 is read as the virtual space offering means for allowing a user to select any one of said virtual spaces and for offering the selected virtual space as a user-specific virtual space owned by said user regarded as a first user. De Groot however is silent regarding a charge controlling means for

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charging said privileged user who owns said user-specific virtual space a fee corresponding to a type of said user-specific virtual space and only the first or privileged user is charged to access the virtual space.

However, Leahy et al. discloses a controlling means (world object 66) which periodically initiates collection statistics based on usage for billing for a given file. The examiner reads this as disclosing plural user billing to a single file. The nomenclature of "first user" is deemed to be a mere modifier and is read as the file owner cited in col.15 line 15, without further descriptive language lending to the operational characteristics of this user. It would be obvious to modify De Groot to include the file based billing feature of Leahy et al. as this would encourage guest users and promote interaction. Notwithstanding, Official notice is taken of a single user initiated session which allows other users to user a commonly connected network billed to a host or "first user". See e.g. EPO 920 178 step 40 et seq. col. 6.

In addition, the above combination is silent regarding the feature of "specifying a plurality of types of virtual spaces to be offered for selection". But, Kawamura et al. disclose :

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a request-storing module which stores more than one request from the client terminals and a space definition data-updating module which updates, according to the requests from the client terminals, the data defining the virtual space. The space definition data-updating module does not start processing of requests from other client terminals until the processing of the request from one of the client terminals is completed. Besides, the virtual space information processor includes a request processing control module which selects an appropriate module for processing a request stored in the request-storing module and instructs the selected module to process the request.

It would obvious to modify the above noted combination to include the virtual space selection feature of the Kawamura et al. the motivation being the ability to offer a choice of space, e.g. two dimension or three dimension space, from such a selection.

Regarding the newly presented language of the first user is charged to access the virtual space and the remaining users accessing the space without charge, it is noted that the first user in

Re claim 31 is merely a methodology of the means recited in the above combination.

Re claims 3, 4, 25: official notice is taken to the old and notorious practice of charging only those customers who use a product as well as the practice of prorating the cost of

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renting space such as in the case of renting a charter fishing boat where the excursion fee a person pays is based upon the base cost divided by the number of people who are in the party. The notice taken is hereby made final.

Re claims 7, 8, 25: De Groot, col. 3, lines 36-41, discloses a space slave module which creates objects in the space answering managing objects which inherently must be displayed. Since the slave module can only be operated by a person who owns the server, this answers the limitation of only privileged users managing the objects.

Claims 3,5,6,26, Leahy et al. disclose these feature as follows:

Re claim 3 amended: each room has a given maximum number of avatars see, Leahy et al., col. 13 lines 21-26.

Re claim 5, 26: Since each room has a given maximum number of avatars (objects) see, Leahy et al., col. 13 lines 21-26, it is deemed an obvious variant of Leahy which monitors popularity in conjunction with billing to bill higher at the most popular spaces. Re claim 6: Leahy et al. discloses in col. 5 lines 62-63, using a user ID to gain access to a virtual room and hence is an access managing means for managing access to said user-specific virtual space. Note, re claim 25, Leahy discloses

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a display for showing out of body virtual space. It would be obvious to modify the proposed combination to include these features the motivation being the 3-D aspect of Leahy et al. making it easy to visualize the space accessed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (571 272 6780.

A handwritten signature in cursive script, appearing to read "Joseph A. Fischetti".

JOSEPH A. FISCHETTI
PRIMARY EXAMINER